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Senate Bill 535 (Substitute S-2 as reported)
Senate Bill 756 (as reported without amendment)
Sponsor: Senator John Proos
Committee: Judiciary

CONTENT

Senate Bill 535 (S-2) would create the "Methamphetamine Abuse Reporting Act" to do the following:

- Require the Michigan Department of State Police (MSP) to give certain information to the National Association of Drug Diversion Investigators (NADDI) if a court notified the MSP that a person had been convicted of a methamphetamine-related offense.
- Require the MSP to notify NADDI if the Department corrected or updated any information that it previously reported, and require NADDI to correct, update, or remove that information from the National Precursor Log Exchange (NPLEx).
- Specify that the information provided to NADDI would be for the purpose of generating a stop-sale alert through NPLEx for people who had been convicted of methamphetamine-related offenses.
- Provide that a stop-sale alert would apply for 10 years after a person's conviction.
- Authorize retailers who sold ephedrine and pseudoephedrine to rely on information provided by the MSP to NADDI for enforcing a stop-sale alert.
- Grant immunity from civil liability to a retailer for relying on and using the information.
- Provide that the MSP and NADDI would be immune from civil liability for compiling, maintaining, or reporting methamphetamine-related offense information under the proposed Act.
- Specify that information provided under the Act and entered in NPLEx would not be subject to disclosure under the Freedom of Information Act.
- Prohibit the intentional disclosure of information provided under the proposed Act, except as authorized, and make a violation a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.

The bill would define "methamphetamine-related offense" as one or more of the following:

- A violation or attempted violation of Article 7 (Controlled Substances) of the Public Health Code involving methamphetamine.
- A violation or attempted violation of Section 17766c of the Public Health Code (which limits the nonprescription purchase of products containing ephedrine or pseudoephedrine to certain amounts).
- A violation or attempted violation of Section 17766f of the Public Health Code (which governs the nonprescription sale of products containing ephedrine or pseudoephedrine).

Senate Bill 756 would amend the Public Health Code to require the NPLEx system to be capable of generating a stop-sale alert notifying a retailer that a person was prohibited from

buying a nonprescription product containing ephedrine or pseudoephedrine due to a conviction reported under the proposed Methamphetamine Abuse Reporting Act.

The bill also would prohibit the sale of any product containing ephedrine or pseudoephedrine to a person while he or she was subject to a stop-sale alert. A violator would be responsible for State civil infraction and could be ordered to pay a maximum civil fine of \$500.

The bills are tie-barred and would take effect on January 1, 2015.

MCL 333.7340a & 333.17766f (S.B. 756)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 535 (S-2) would have a minimal fiscal impact on the Department of State Police. To satisfy the provisions of the bill, the Department's Criminal Justice Information Center would have to prepare a programming language adjustment that would allow it to collect methamphetamine-related conviction data on a daily basis for inclusion on the NPLeX database.

The proposed misdemeanor for information disclosure would have an indeterminate, but altogether minor fiscal impact on local government. Local government could incur a cost in overseeing the misdemeanor sentence in the municipal jail. Penal fine revenue would benefit public libraries.

Senate Bill 756 could increase the number of State civil infractions committed. Fine revenue would benefit public libraries.

Date Completed: 2-12-14

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.